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To: 'microsoft.atr(a)usdoj.gov'
Date: 1/28/02 8:20am
Subject: Microsoft Settlement

There are many problems with the proposed settlement. As a user of several "open source" I would like to address two major ones.

First the required API sharing limits those to whom Microsoft would have to make API specifications available in such a way that many open source projects could be excluded. Further it allows Microsoft to place limits on how such specifications may be used or distributed. In order to be more fair Microsoft should be required to make ALL APIs publicly available so that all software producers (large or small, profitable or not) could benefit and continue to work on developing competitive products.

Second, the settlement makes no mention of file format specifications; for example Word .doc files and Excel .xls files. Microsoft uses its file formats to make it more difficult for competing products to compete by not publishing the format specifications and by changing with most new versions of their software. Because of this projects to create competing software must spend excessive amounts of developer time and effort in figuring out how to be compatible with Microsoft's products. Supporters of Microsoft frequently point to a failure to read and write Microsoft file formats as a reason why competing products are not as good as Microsoft's products.

In the trial Microsoft pointed to open source products as potential dangerous competitors for themselves. The judge did not find that such products were competitive but did believe that they could be. To allow Microsoft to use the Final Judgment to limit the ability of open source projects to produce strong compatible by competing projects would defeat the intention of using the judgment to promote competitiveness in the market place.

Thank you for considering these objections.

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